

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 5-11 remain in the application. Claims 1-4 were previously cancelled. Claim 1 has been amended so as to correctly state that the length is of a singular postal item. The amendment does not have a bearing on the scope of the claims and does not have anything bearing on the arguments applied against the art. Therefore, the Examiner is kindly requested to enter the after final amendment. The specification has also been amended so as to correct a formalistic error.

In item 1 on page 2 of the above-identified Office action, claims 5, 6, and 8-11 have been rejected as being fully anticipated by Schneider (U.S. Patent No. 5,820,122) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

2004P01641 - Application No. 10/590,757
Response to Office action April 29, 2009
Response submitted June 29, 2009

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 5 calls for, *inter alia*:

a stacking roller positionable in proximity of the stacking compartment.

Claim 5 calls for, *inter alia*:

a deflection roller disposed on an axis and configured to deflect the first belt from the second belt so that the second belt continues to transport a postal item to the stacking roller.

On page 2 of the Office action the Examiner alleges that Schneider discloses a "stacking compartment 2".

It is respectfully noted that the Examiner's allegation is not accurate. More specifically, Schneider discloses that the reference symbol "2" is a further transportation system configured as a bucket wheel (column 3, lines 41-42). Schneider does not disclose a stacking compartment. Schneider discloses that a product (22) is transported to a chamber (23) of a bucket wheel (2) (column 4, lines 47-48). The chamber

2004P01641 - Application No. 10/590,757
Response to Office action April 29, 2009
Response submitted June 29, 2009

(23) of Schneider is a compartment of a transportation system. However, the chamber (23) in the bucket wheel (2) of Schneider cannot reasonably be considered a stacking compartment, as required in claim 5 of the instant application. Therefore, it is respectfully noted that the Examiner's allegation with respect to a stacking compartment, is not accurate.

As seen from the above-given remarks, the reference does not show a stacking roller positionable in proximity of the stacking compartment, as recited in claim 5 of the instant application.

Moreover, on page 2 of the Office action the Examiner alleges that Schneider discloses "a covered belt system having a first belt and a second belt (5 and 6), a deflection roller (8)."

The reference symbol "8" of Schneider denotes a roller but not a deflection roller configured to deflect the first belt from the second belt so that the second belt continues to transport a postal item to the stacking roller, as required in claim 5 of the instant application. Schneider discloses that the belt (5) is guided around roller (8) and the belt (6) is guided around the roller (9) at the same position. This is because the belts (5 and 6) transport the products (22) to the chamber (23) and release the products (22) at the same point.

Furthermore, on page 2 of the Office action the Examiner alleges that Schneider discloses a "stacking roller (3)."

It is respectfully noted that the Examiner's allegation does not make sense. Specifically, Schneider discloses that the element "3" is a belt system. Additionally, claim 1 recites that the second belt continues to transport a postal item to the stacking roller. In Schneider the element "3" is a belt system and not a roller and the belt (5) does not transport the items (22) to the belt system (3), as the belt (5) is part of the belt system (3). Schneider does disclose a guide member (24), however, the guide member (24) is not a roller. Therefore, the Examiner's allegation pertaining to reference symbol "3", is not accurate.

As seen from the above-given remarks, the reference does not show a deflection roller disposed on an axis and configured to deflect the first belt from the second belt so that the second belt continues to transport a postal item to the stacking roller, as recited in claim 5 of the instant application.

As seen from the above-given remarks, claim 5 is allowable over Schneider. Since claim 5 is allowable over Schneider,

2004P01641 - Application No. 10/590,757
Response to Office action April 29, 2009
Response submitted June 29, 2009

dependent claims 6 and 8-11 are allowable over Schneider as well.

In item 2 on page 2 of the Office action, claim 7 has been rejected as being obvious over Schneider (U.S. Patent No. 5,820,122) under 35 U.S.C. § 103. Since claim 5 is allowable over Schneider, dependent claim 7 is allowable over Schneider as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 5. Claim 5 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 5, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 5-11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

2004P01641 - Application No. 10/590,757
Response to Office action April 29, 2009
Response submitted June 29, 2009

If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

/Alfred K. Dassler/

Alfred K. Dassler
Reg. No.: 52,794

AKD:sa

June 29, 2009

Lerner Greenberg Stemer LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101